



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

**STATEHOUSE STATION 101
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333**

January 25th, 1991

Minutes of the January 25th, 1991 meeting of the Commission on Governmental Ethics and Election Practices

Present: Chairman Paul K. McCann; Members Henry G. Beyer, Gregory G. Cyr, Joseph B. Ezhaya, Richard H. Pierce, Richard L. Trafton, Paul E. Violette; Commission Counsel William Stokes

Chairman McCann called the meeting to order at 9:35 a.m.

NEW BUSINESS

First, the Commission considered a complaint filed by Mr. Lawrence Lockman alleging that a flier distributed by Mr. Robert Mulligan of United Paperworkers International Union (UPIU) was in violation of 21-A MRSA Section 1014(2). Commission members reviewed a memorandum from Counsel Stakes submitting that the word "expenditure" is specifically defined to exclude "any communication by any membership organization . . . to its members or stockholders, if that membership organization . . . is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office" (21-A MRSA Section 1012(3) (B) (3)).

The memo went on to state that UPIU is a fraternal organization, organized for the purpose of collective bargaining, hence communications to its members are not considered expenditures within the meaning of 21-A MRSA Section 1014. Also reviewed were staff findings indicating that the estimated total cost of producing the documents was no more than \$5.00 and thus reporting requirements set forth in 21-A MRSA Section 1019 are not applicable. Mr. Duane Lugdon of Local 80 was present and asserted that there was no intent on the part of UPIU to violate Maine law. He further emphasized that neither of the candidates listed on the flier had authorized or were involved in the preparation or distribution of the flier. Mr. Cyr then moved to accept staff recommendations not to impose penalty, but suggested that the Commission recommend to UPIU that, in the future, communications be specifically directed to members of the membership organization. The motion was seconded by Mr. Beyer and carried unanimously.

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ROUTINE BUSINESS

The next meeting was scheduled for April 26th, 1991 at 10:30 a.m.

On motion of Mr. Pierce, the draft minutes of the January 9th, 1991 meeting were accepted.

OLD BUSINESS

The Commission then heard evidence as part of a continuing investigation to learn the source of a certain flier distributed in Senate District #30. Mr. Stokes informed members that both William Francis Harrigan and John Patrick Harrigan were present and prepared to testify; whereupon, Mr. Pierce moved that John Patrick Harrigan be sequestered. The motion was seconded and carried unanimously. In the testimony that followed, Mr. William Harrigan alleged that he had produced and distributed the flier in concert with several University of Maine students.

After a ten minute recess (10:45 a.m.), the Commission reconvened.

Mr. John Patrick Harrigan was then readmitted to the room and duly sworn. During questioning, Mr. John Harrigan admitted to involvement in the production of the flier and claimed authorship of the name shown on the flier: "Concerned Republicans of Greater Portland Senate District #30."

Mr. Violette left the meeting at 11:00 a.m.

At the conclusion of testimony, the Commission met in executive session on motion of Mr. Trafton; and after fifteen minutes (11:50 a.m.) reconvened.

Mr. Trafton then moved as follows:

- As a Commission, we find both Mr. William Francis Harrigan and Mr. John Patrick Harrigan guilty of having violated two separate sections of election law:
- 21-A MRSA Section 1014 (failure to provide an appropriate disclaimer) and 21-A MRSA Section 1019 (failure to file timely reports of expenditures)
- That the both the Messrs. Harrigan be charged the maximum fine for both violations:
- For violation of Section 1014 - \$100 each; for violation of Section 1019 - \$1,000 each.

Mr. Beyer seconding, the motion carried unanimously. Mr. Trafton then noted that the Commission would not pursue an outstanding order from Superior Court to enforce subpoenas against Mr. Paul Volle and Ms. Carolyn Cosby.



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NEW BUSINESS

The Commission then considered the lateness of 48-hour reports due before the November 6th, 1990 election.

First the Commission considered the lateness of Mr. Joseph Brennan's 48-hour reports.

The Commission determined that Mr. Brennan's reports were late, but voted unanimously, on motion of Mr. Pierce, to reduce the penalty thereof from \$2400 to \$1000. The maximum penalty for the three reports filed November 2nd and November 5th, 1990, is \$400. That amount was forgiven because the reports in question were filed prior to election-day and thus were available for public review.

The \$1000 penalty for lateness of one of the two reports filed after Election Day was forgiven for the following reasons:

- Expenditures were listed in one report and contributions in the other and all transactions shown in the two reports were made between October 31st, 1990 and November 2nd, 1990.
- Hence, the reports were construed to be two parts of one report.

Next, the Commission considered the lateness of five 48-hour reports of Mr. Andrew Adam. The Commission determined the reports to be late, but voted unanimously, on motion of Mr. Pierce, to reduce the amount of the penalty from \$350 to \$100 because

- 1) All previous reports were timely filed and in good order and
- 2) The reports in question were filed on or before Election Day.

The Commission then considered the lateness of reports due 42 days after the November 6th, 1990 election. Mr. Trafton moved, and Mr. Cyr seconded, to accept the following staff recommendations:

Candidate Name	Penalty Imposed
Ruth Dodge	\$130.00
Thomas Dunn	\$250.00
Richard Hewes	\$200.00
John O'Dea	\$120.00
Scott Thomas	\$160.00
Oral Tibbetts	\$200.00
Ellen Walker	\$100.00

Mr. Stokes then noted that Betsy Laney, of the Secretary of State's Office, is preparing a list of candidates with outstanding fines. He added that letters sent by his office to persons who fail to respond to billing notices seems to have a positive effect.

Mr. Ezhaya moved to adopt a Commission resolution honoring Assistant Attorney General Peter Brann. Mr. Pierce seconded and the motion carried unanimously.

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Mr. Cyr then suggested that the Commission send an expression of sympathy to the Governor at the loss of Mr. McKerrian's son; whereupon, Mr. McCann agreed to draft the letter on behalf of members.

The meeting was adjourned at 12:05 p.m. on motion of Mr. Beyer.

Respectfully submitted,

Marilyn Canavan
Director